

CALIFORNIA STATE POLYTECHNIC UNIVERSITY, POMONA
USE OF UNIVERSITY BUILDINGS, FACILITIES, AND GROUNDS
Presidential Order

FREE SPEECH AND EXPRESSIVE ACTIVITIES

Cal Poly Pomona believes the search for knowledge requires the freedom to speak openly about concerns and issues. All students and employees of Cal Poly Pomona, members of the Cal Poly Pomona campus community, and members of the public are free to lawfully exercise their constitutional right to freedom of expression on University Property. Free speech and expressive activities include, but are not limited to, pure or symbolic speech, assembly, meetings, demonstrations or rallies, picketing, petitioning, distributing flyers, mime and theater, music and singing, survey research, and religious or political activity. The University may establish reasonable time, place, and manner regulations regarding the use of its public facilities, buildings, and grounds to ensure individuals and groups exercising their legitimate rights do not infringe on the rights of others or disrupt the educational process or other University business or operations.

The exercise of freedom of expression and assembly rights must comply with all applicable federal, state, and local laws. Illegal speech activity not protected by the First Amendment or by this Order includes, but is not limited to, defamation, obscenity, terrorist threats, false advertising, and the promotion of actual or imminent violence or harm.

Individuals or groups using University Property are subject to Cal Poly Pomona's time, place, and manner regulations. To ensure full understanding of laws, policies, and procedures unique to the University, off-campus groups or persons are encouraged to contact the Office of the Vice President of Student Affairs (studentaffairs@cpp.edu) prior to the start of their activities or distribution of published materials. Additionally, scheduling the time and location of expressive activities in advance with the Office of the Vice President of Student Affairs, may avoid a conflict with previously scheduled campus or student events, which take precedence. Free speech/expressive activities otherwise in compliance with this Order, may not be scheduled or may be subject to rescheduling or cancellation if they conflict with previously scheduled University activities/events, pose threats to life, physical safety, or University operations (e.g., water main or power line breaks) as determined by appropriate authorities (e.g., University Police Department, State Fire Marshal, and Facilities Planning and Management), or fail to comply with University policies, including any applicable insurance requirements.

Off-Campus Speech by State Employees

In publicly expressing opinions on off-campus issues, state employees have an obligation to take every reasonable precaution to make it clear that they are expressing their personal views and not purporting to represent the University.

Political Activity in Election Campaigns by State Employees

Generally, under state law, state employees have the same rights as other citizens to engage in political activities, except that state law places the following limits on state employees' participation in election campaigns:

Employees shall not solicit political funds or contributions from co-workers (other than requests for political contributions sent to a significant segment of the public that may include employees).

An employee who holds or is seeking election or appointment to any political office shall not use that position to influence any University-related personnel matter.

University employees or consultants may not use or permit others to use state resources to support or oppose a ballot proposition or a political candidate, or personal or other purposes which are not authorized by law. Examples of prohibited activity include making telephone calls, writing letters, and sending e-mail messages using University resources or during working hours.

Time, Place, and Manner Regulations

Reasonable time, place, and manner regulations on the use of public forums are permissible, provided they are carefully designed to: (1) coordinate the appropriate use of a particular location for free speech/expressive activities and not to prohibit particular forms of expression; (2) serve a significant government interest and are not more extensive than necessary to serve that interest; and (3) leave open ample alternative channels for communication of the information. They must be clear and specific enough to place the public on notice as to exactly what is authorized and what is forbidden.

General regulations:

- Scheduled events take precedence over spur of the moment activities.
 - Because an event with amplified sound may interfere with classes in session and/or other activities, sound amplification is generally limited to times when classes are not in session (see Amplified Sound for details).
 - Activities that restrict or disturb University business or operations are generally prohibited or closely monitored and as such, may be directed to cease should it be reasonably determined that such activity is restricting or disturbing the routine business of the University.
 - The Office of the Vice President of Student Affairs can provide further information about issues of free speech and expressive activities. The Office of the Vice President of Student Affairs also maintains copies of the University's posting and vendor policies.
- A. TIME: Daily, 8 a.m. to 10 p.m., except for current Cal Poly Pomona students, registered student clubs/organizations, staff, faculty, and auxiliary employees who may engage in expressive activities at any time in conformity with this Order.
- B. PLACE: Free speech and expressive activities may take place on campus with the following exceptions: parking lots/structures, University buildings, and within twenty (20) feet of any location in which instructional, educational, and/or official business activities are being conducted. Popular locations are University Park and University Quad.
- C. MANNER: Free speech and expressive activities must be conducted in a manner that (1) shall not unreasonably interfere with or obstruct the free flow of pedestrian or vehicular traffic; (2) shall not unreasonably interfere with or disrupt University business or operations; (3) shall be carried out without creating excessive noise by use of a device; (4) shall not unreasonably interfere with classes in session or other scheduled academic, educational, or cultural/arts programs; (5) Shall

not participate in a disturbance of the peace or unlawful assembly; (6) shall not have unauthorized entry to, possession of, or use of any University services, equipment, resources, or properties, including the University's name, trademark, branding or logos; (7) shall not promote an unlawful end, such as promoting actual violence or bodily or property harm, terrorist threats, defamation, obscenity, or false advertising; (8) shall not violate any federal, state or local law or safety code, such as regulations set by the State Fire Marshal; (9) engage in physical abuse including but not limited to sexual assault, sex offenses, sexual misconduct, and other physical assault; threats of violence; or other conduct that threatens the physical health and safety of any person; (10) shall not engage in the theft of, conversion of, destruction of, or damage to any property of the University, or any property of others while on University premises, or possession of any property when the individual had knowledge or reasonably should have had knowledge that it was stolen; and (11) allows appropriate authorities (e.g., University Police) to act within the scope of their job at any time before or during the activity to restrict behaviors reasonably deemed to threaten life/physical safety, University Property or University business or operations.

Persons using areas generally available to students and the community are allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter in compliance with this Order (see Display or Distribution of Published Materials). Individuals or groups distributing materials in these areas shall make a reasonable effort to retrieve and remove such materials prior to their departure from the areas. These procedures will be administered by the Vice President for Student Affairs and will be enforced by the University Police Department, and, when appropriate, Student Conduct & Integrity. Enforcement will follow existing state and federal laws and CSU/University policies.